

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 25 JUL 2005  
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To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/B2005/000997	International filing date (day/month/year) 22.03.2005	Priority date (day/month/year) 25.03.2004	
International Patent Classification (IPC) or both national classification and IPC B60R22/14, B60R22/00, B60N2/28			
Applicant BRITAX ROMER KINDERSICHERHEIT GMBH			

### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:   European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer  Busuiocescu, B Telephone No. +49 30 25901-530	
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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of International search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. **type of material:**  
 a sequence listing  
 table(s) related to the sequence listing
  - b. **format of material:**  
 in written format  
 in computer readable form
  - c. **time of filing/furnishing:**  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	5,6,8,10-12,14
	No:	Claims	1-4,7,9,13
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

**2. Citations and explanations**

**see separate sheet**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item VIII.**

1. The application does not meet the requirements of Article 6 PCT, because claims 1-4 and 7-9 are not clear.
  - 1.1 It is clear from the description on page 1 that the following features are essential to the definition of the invention:
    - (1) The shoulder pad is mounted on the wearer's side of the seat belt.
    - (2) The first (thinner) zone, (whereby thin and thick apply to the dimension of the pad orthogonal to the seat belt) is located against the wearer's shoulder and the second (thicker) zone is located at a lower height against a lower part of the wearer's torso, when the wearer is seated in a normal and substantially erect position.The shoulder pad itself clearly can not solve the problem disclosed in the application alone (being not mounted to the seat belt) or when mounted in another position with regard to the seat belt.  
Since independent claim 1 does not contain these features it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.
  - 1.2 The feature of claim 2 "...the thickness of the pad increases gradually through the distance from the first to the second zone including the zones." makes a definition of a first and second zone impossible as one zone having a gradual increase in thickness can be considered to be two or more adjacent zones according to claim 2 as the extension of a zone is not defined.  
The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.
  - 1.3 In claim 3 it is unclear if the thin substrate and the projections are between the zones (which seems to lack support in the description) as it appears that the

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projections are part of the "zones" in contradiction to a possible interpretation of the wording of the claim.

- 1.4 The term "...located towards a distal end of the pad" used in claim 4 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
- 1.5 The relative terms "a stiff resilient material" used in claim 7 have no well-recognised meaning without a reference value and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
- 1.6 Claim 8 is dependent on itself thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
- 1.7 The syntax of claim 9 is unclear. The reader does not know if the shoulder pad in general or the tapering portion comprises the projections. It is also unclear where these projections are located.

**Re Item V.**

1. Reference is made to the following documents:
  - D1 : DE 88 08 298 U1 (ELBERN, CHRISTA, 1000 BERLIN, DE) 27 October 1988 (1988-10-27)
  - D2 : US 2003/046750 A1 (D'ADDARIO JAMES ET AL) 13 March 2003 (2003-03-13)
2. INDEPENDENT CLAIM 1
- 2.1 Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the

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matter of claims 10 and 12.

- 3.4 It is also obvious for the skilled person to use the shoulder pad already known from D1 in combination with a vehicle seat belt according to claim 13 also with a child car safety carrier according to claim 14. Hence, claim 13 is not new in the sense of Article 33(2) and claim 14 lacks an inventive step.
4. The applicant is invited to file amendments which take account of the above comments.
- 4.1 The combination of features, known from the prior art is covering:  
  
A safety system comprising a seat belt and a shoulder pad attached to the seat belt whereby the shoulder pad is mounted on the wearer's side of the seat belt and comprises two zones, the second zone being thicker in the dimension of the pad orthogonal to the seat belt than the first zone.
- 4.2 The features not known from the prior art are that:  
  
The first zone is located against the wearer's shoulder and the second zone is located at a lower height against a lower part of the wearer's torso, when the wearer is seated in a normal and substantially erect position.
- 4.3 A safety system with the technical features described in paragraph 4.1 forming the preamble and characterised by the technical features described in paragraph 4.2 would appear to be neither known from, nor rendered obvious by, the available prior art.

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